

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

SHANE P. FLEMING, BRET J.
BESHEY, CHRISTOPHER M.
BONVISSUTO, PETER A. KOURTIS,
ALEXANDER T. CARLUCCI,
DIMITRI A. KANDALEPAS, AUSTIN
C. MANSUR, and ERIC L. WELLER,

Defendants.

17-CV-7049

Judge Manish S. Shah

**UNOPPOSED MOTION FOR ENTRY OF FINAL JUDGMENTS AGAINST
DEFENDANTS BRET BESHEY, CHRISTOPHER BONVISSUTO,
ALEXANDER CARLUCCI, DIMITRI KANDALEPAS AND PETER KOURTIS
PURSUANT TO CONSENT**

Plaintiff Securities and Exchange Commission (“SEC”) respectfully moves this Court for entry of final judgments, pursuant to settlements, against Defendants Bret Beshey, Christopher Bonvissuto, Alexander Carlucci, Dimitri Kandalepas and Peter Kourtis.

In support of this motion, the SEC states as follows:

I. BACKGROUND

1. On September 29, 2017, the SEC filed a complaint alleging that Beshey, Bonvissuto, Carlucci, Kourtis, and Kandalepas, along with three other defendants, violated Section 10(b) of the Securities Exchange Act of 1934

(“Exchange Act”), and Rule 10b-5 promulgated thereunder, by engaging in insider trading in the securities of Life Time Fitness, Inc. (“Life Time”). (Dkt. No. 1.)

2. On May 22, 2018, the Court entered a partial judgment against Carlucci by consent, pursuant to which Carlucci was enjoined from violating Section 10(b) of the Exchange Act and Rule 10b-5 thereunder and ordered to pay disgorgement of \$14,491.64 together with prejudgment interest in the amount of \$1,307.21. That judgment reserved for later determination by the Court of the appropriate civil penalty to impose against Carlucci. (*Id.* 41.)

3. On May 22, 2018, the Court entered a partial judgment against Kourtis by consent, pursuant to which Kourtis was enjoined from violating Section 10(b) of the Exchange Act and Rule 10b-5 thereunder. That judgment reserved for later determination by the Court of all financial remedies—*i.e.*, disgorgement, prejudgment interest, and civil penalty—to impose against Kourtis. (*Id.* 42.)

4. On September 17, 2018, the Court entered a partial judgment against Bonvissuto by consent, pursuant to which Bonvissuto was enjoined from violating Section 10(b) of the Exchange Act and Rule 10b-5 thereunder and ordered to pay disgorgement of \$33,677.11 together with prejudgment interest in the amount of \$3,037.79. That judgment reserved for later determination by the Court of the appropriate civil penalty to impose against Bonvissuto. (*Id.* 49.)

5. On September 17, 2018, the Court entered a partial judgment against Kandalepas by consent, pursuant to which Kandalepas was enjoined from violating Section 10(b) of the Exchange Act and Rule 10b-5 thereunder and ordered to pay disgorgement of \$37,612.56 together with prejudgment interest in the amount of

\$3,392.76. That judgment reserved for later determination by the Court of the appropriate civil penalty to impose against Kandalepas. (*Id.* 50.)

6. On July 12, 2019, the Court entered a partial judgment against Beshey by consent, pursuant to which Beshey was enjoined from violating Section 10(b) of the Exchange Act and Rule 10b-5 thereunder. That judgment reserved for later determination by the Court of all financial remedies—*i.e.*, disgorgement, prejudgment interest, and civil penalty—to impose against Beshey. (*Id.* 63.)

II. PROPOSED SETTLEMENTS

7. Each of these five defendants—Beshey, Bonvissuto, Carlucci, Kandalepas and Kourtis—subsequently signed and submitted offers to settle the SEC’s remaining claims for financial relief, which offers the SEC’s Commissioners have accepted.

A. Defendants Bonvissuto, Carlucci and Kandalepas

8. Pursuant to those settlements, the Commission is forgoing its claims for civil penalties against Defendants Bonvissuto, Carlucci, and Kandalepas.

9. Accordingly, and as more fully described below, the Commission moves for the entry of Final Judgments against these three defendants based on the terms of the Consents attached hereto as Exhibits A through C, respectively, each of which attaches a proposed Final Judgment. (Each of the proposed Final Judgments is also being submitted by email to the Court, in accordance with the Court’s standing order.)

(a) Defendant Bonvissuto consents to the entry of a Final Judgment
which:

- permanently restrains and enjoins him from violating Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)], and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5]; and
- orders him to pay disgorgement of \$33,677.11, plus prejudgment interest thereon in the amount of \$3,037.79, but also notes that said amounts have already been fully paid and satisfied by him.

(b) Defendant Carlucci consents to the entry of a Final Judgment which:

- permanently restrains and enjoins him from violating Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)], and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5]; and
- orders him to pay disgorgement in the amount of \$14,491.64, plus prejudgment interest thereon in the amount of \$1,307.21, but also notes that said amounts have been fully paid and satisfied by him.

(c) Defendant Kandalepas consents to the entry of a Final Judgment which:

- permanently restrains and enjoins him from violating Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)], and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5]; and
- orders him to pay disgorgement of \$37,612.56 plus prejudgment interest in the amount of \$3,392.76, but also

notes that \$17,005.32 of that amount has already been paid and satisfied by him.

B. Defendants Beshey and Kourtis

10. Beshey and Kourtis have also consented to settle the outstanding claims for financial remedies against them in accordance with the terms of the Consents attached hereto as Exhibits D and E, respectively, each of which attaches a proposed Final Judgment. (Each of these proposed Final Judgments is also being submitted by email to the Court, in accordance with the Court's standing order.)

(a) Defendant Beshey consents to the entry of a Final Judgment which:

- permanently restrains and enjoins him from violating Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)], and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5]; and
- orders him to pay disgorgement of \$9,800, together with prejudgment interest thereon in the amount of \$884, for a total judgment of \$10,684.

(b) Defendant Kourtis consents to the entry of a Final Judgment which:

- permanently restrains and enjoins him from violating Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)], and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5]; and
- orders him to pay disgorgement of \$102,744, together with prejudgment interest thereon in the amount of \$8,993, for a total judgment of \$111,737.

11. The Final Judgments, if approved and entered by the Court, will fully and finally resolve the SEC's claim in this action against Defendants Beshey, Bonvissuto, Carlucci, Kandalepas and Kourtis. Once the claims against these Defendants are resolved, there will be no more unresolved claims or issues in this litigation.¹

WHEREFORE, plaintiff Securities and Exchange Commission respectfully requests that the Court grant this motion and enter the proposed Final Judgments.

Dated: April 11, 2023

Respectfully submitted,

By: s/Daniel J. Hayes
Daniel J. Hayes
Andrew McFall
U.S. SECURITIES AND EXCHANGE
COMMISSION
175 West Jackson Blvd., Suite 1450
Chicago, IL 60604
Phone: (312) 353-3790
Facsimile: (312) 353-7398

¹ Final judgments were previously entered against Defendants Shane P. Fleming (Dkt. 48). Austin C. Mansur (*id.* 59), and Eric L. Weller (*id.* 108).

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed with the Court's ECF/CM system on: April 11, 2023, which will automatically cause a copy of the document to be electronically served on all counsel of record.

A copy of the filing also was sent on the same date to Bret Beshey via email to: Bret Beshey at yelapasantry@protonmail.com, and via U.S. mail, properly addressed and postage prepaid, to: Bret Beshey, 8778 W. Cory Lane, Boise, ID 83704.

s/Daniel J. Hayes